

## **REMARKS**

### **Claim Rejections**

Claims 1-5 and 10-12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kousek et al. Claims 6-9 and 13-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kousek et al. in view of Pu.

Applicant respectfully traverses the rejection of claims 6-9 and 13-28 being rendered obvious by Kousek et al. in view of Pu (6,751,879). Pu '879 and the present application have the same inventor. Applicant submits that Pu '879 is not "prior art" under any section of 35 U.S.C. §102 with respect to the instant application. Applicant notes that Pu '879 was filed on December 6, 2002 and the present application was filed on October 29, 2003, which is less than a year from when the present application was filed. Thus, it is believed to be quite evident that Pu '879 is not "prior art" under 35 U.S.C. § 102 and, therefore, cannot be used as prior art in a rejection made under 35 U.S.C. § 103. The outstanding rejection of claims 6-9 and 13-28 as being rendered obvious by Kousek et al. in view of Pu '879 is respectfully traversed.

### **Drawings**

It is noted that the Examiner has accepted the drawings as originally filed with this application.

### **New Claims**

By this Amendment, Applicant has canceled claims 1, 4-13 and 25-28; amended claims 2-3 and 14-24; and has added new claims 29-32 to this application. It is believed that the new and amended claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a device capable of producing two mutually perpendicular laser beam planes comprising: at least one laser module (110) emitting an irradiated light beam and having: a semiconductor laser (111) emitting a diffused light beam; and a focusing system (112) focusing the diffused light beam and emitting the irradiated light beam; at least one optical deflector (26) deflecting and splitting the irradiated light beam into two perpendicular light beams, each of the at least one optical deflector includes a prism and an optical wedge correcting a transmission declination resulting from a refracting surface of the prism; and two light beam expanders (114 and 124, or 60 and 80), each of the two light beam expanders has a conical shaped interior and hollow electric motor, each of the two light beam expanders expanding one of the two perpendicular light beams into one of two perpendicular optical planes.

The primary reference to Kousek et al. teaches a multi-axis laser indicator device including a light source (11), a beam splitter (13), and lenses (14, 15).

Kousek et al. do not teach each of the at least one optical deflector includes a prism and an optical wedge correcting a transmission declination resulting from a refracting surface of the prism; nor do Kousek et al. teach each of the two light beam expanders has a conical shaped interior and hollow electric motor.

It is axiomatic in U.S. patent law that, in order for a reference to anticipate a claimed structure, it must clearly disclose each and every feature of the claimed structure. Applicant submits that it is abundantly clear, as discussed above, that Kousek et al. do not disclose each and every feature of Applicant's new claims and, therefore, could not possibly anticipate these claims under 35 U.S.C. § 102. Absent a specific showing of these features, Kousek et al. cannot be said to anticipate any of Applicant's new or amended claims under 35 U.S.C. § 102.

It is further submitted that Kousek et al. do not disclose, or suggest any modification of the specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Thus, it is not believed that Kousek et al. render obvious any of Applicant's new or amended claims under 35 U.S.C. § 103.

Application No. 10/694,865

**Summary**

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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